

**APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office DEC 02 1997
 Returned to applicant for correction DEC 11 1997
 Corrected application filed DEC 26 1997
 Map filed DEC 26 1997

The applicant Garrett Van Diest, Inc., hereby makes application for permission to change the point of diversion and place of use of a portion of water heretofore appropriated under Permit No. 45775, Certificate No. 14165

1. The source of water is underground
2. The amount of water to be changed 86.86 AF
3. The water to be used for irrigation and domestic
4. The water heretofore permitted for irrigation and domestic
5. The water is to be diverted at the following point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T.34N., R.37E., M.D.B.&M. or at a point from which the E $\frac{1}{4}$ corner of said Section 10 bears N 4 $^{\circ}$ E a distance of 1.190.0 feet
6. The existing permitted point of diversion is located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, T.34N., R.37E., M.D.B.&M. or at a point from which the SE corner of said Section 7 bears S 61 $^{\circ}$ 14' 12" E a distance of 2266.62 feet.
7. Proposed place of use within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T.34N., R.37E., M.D.B.&M. (21.715 acres)
8. Existing place of use portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, T.34N., R.37E., M.D.B.&M. 21.715 acres to be removed
9. Use will be from January 1 to December 31 of each year.
10. Use was permitted from January 1 to December 31 of each year.
11. Description of proposed works well, tank, irrigation system
12. Estimated cost of works \$50,000
13. Estimated time required to construct works 3 years
14. Estimated time required to complete the application of water to beneficial use 5 years
15. Remarks: This 21.715 acres of water rights were originally withdrawn for Samson Land Ventures (see acreage removed #21). That project was never completed and Samson Land Ventures wishes to transfer water to a new place of use. (See copy of attached letter dated 9/5/97 from Hugh Ricci, P.E. to Garrett Van Diest, Inc.)

Desert Mountain Surveying as agent
 By John H. Milton III, PLS, SWRS
 s/John H. Milton III
 146 West Second Street
 Winnemucca, NV 89445

Compared my/cms dl/ct

Protested _____

CANCELLED FEB 27 2004 BECAUSE OF FAILURE
 OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT
Garrett Van Diest, P.E. STATE ENGINEER

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 45775, Certificate 14165 is issued subject to the terms and conditions imposed in said Permit 45775, Certificate 14165 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.3444 cubic feet per second, but not to exceed 86.86 acre-feet annually, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

September 3, 2002

Proof of completion of work shall be filed before:

October 3, 2002

Water must be placed to beneficial use on or before:

September 3, 2003

Proof of the application of water to beneficial use shall be filed on or before:

October 3, 2003

Map in support of proof of beneficial use shall be filed on or before:

October 3, 2003

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 29th day of, December A.D. 2000

Tracy Taylor, P.E.
State Engineer

by Tracy Taylor, P.E., Deputy State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____